

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DON JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09CV482 AGF
)	
CHRYSLER LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff's response to the Court's April 13, 2009 Order to Show Cause.

After filing the instant employment discrimination complaint pursuant to Title VII of the Civil Rights Act of 1964, plaintiff was asked to submit the \$350 filing fee or a motion for leave to proceed in forma pauperis and CJA Financial Form and Affidavit as required by this Court's local rules. See Local Rules 2.01(B) and 2.05(A); see also 28 U.S.C. § 1915. Because plaintiff failed to attach to his complaint a copy of his administrative charge of discrimination and had indicated in his complaint that he had not received a right to sue letter, the Court also ordered plaintiff to either file copies of these documents by May 13, 2009.

On April 22, 2009, plaintiff filed his motion to proceed in forma pauperis, as well as his CJA Form 23 Financial Affidavit. After review of these documents, plaintiff will be granted in forma pauperis status.

Also on April 22, 2009, plaintiff filed a copy of a charge of discrimination he filed with the Equal Employment Opportunity Commission (“EEOC”) on April 17, 2009. Plaintiff did not, however, provide the Court with a copy of a right to sue letter from the EEOC. Obtaining a right to sue letter from the Equal Employment Opportunity Commission is a prerequisite to maintaining an action under Title VII. See, e.g., 42 U.S.C. § 2000e-5(f)(1) (in order to maintain a Title VII claim, an aggrieved employee is required to file suit within ninety (90) days after receipt of a notice of right to sue). Because plaintiff failed to provide the Court with a copy of his right to sue letter, and in fact, admitted in his complaint that he had not received a right to sue from the EEOC, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to proceed in forma pauperis [Doc. #7] is **granted**.

IT IS FURTHER ORDERED that plaintiff’s complaint will be dismissed without prejudice for failure to comply with this Court’s April 13, 2009 Order to Show Cause.

A separate Order of Dismissal shall accompany this Memorandum and Order.

Dated this 19th Day of May, 2009.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE